

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>Cr. No. 19-135-2</b>
	)	<b>(Civ. No. 22-1587)</b>
<b>WESLEY COX</b>	)	

**ORDER**

Presently before the Court is Petitioner Wesley Cox's Motion to Vacate Pursuant to 28 U.S.C. § 2255. ECF No. 1015. The government filed a preliminary Response. ECF No. 1030. On March 1, 2023, the Court issued an Opinion agreeing with the government's argument that Mr. Cox's Motion is untimely under Rule 4 of the Rules Governing Section 2255 Proceedings and therefore is subject to dismissal. Op. and Order, Mar. 1, 2023, ECF No. 1036. The Court informed Mr. Cox that he may respond to the Court's determination that his Motion is untimely, by April 3, 2023. *See United States v. Bendolph*, 409 F.3d 155, 160, 165 n. 15, 166, 169 (3d Cir. 2005) (*en banc*). As of the date of this Order Mr. Cox has not filed a response.

Accordingly, the following Order is hereby entered.

AND NOW, this 8th day of May 2023, as explained in the Court's March 1, 2023 Opinion and Order, Petitioner Wesley Cox's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (ECF No. 1015) is hereby dismissed as untimely under Rule 4 of the Rules Governing Section 2255 Proceedings.

s/Marilyn J. Horan  
Marilyn J. Horan  
United States District Judge

cc: Wesley Cox  
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